Supreme Court, U.S.
FILED
OCT 07 2010
OFFICE OF THE CLERK

No. 10-505

In The

# Supreme Court of the United States

REV. MARY JANE STEVENS,

*Petitioner,*

vs.

ESTATE OF ANDREW MYERS,
BERNARD L. GREEN ADMINISTRATOR,

*Respondent.*

**On Petition For Writ Of Certiorari To The United States Court Of Appeals For The Eleventh Circuit**

## PETITION FOR WRIT OF CERTIORARI

REV. MARY JANE STEVENS
1006 Seagrove Street
Saint Marys, Georgia 31558
(912) 882-3586

## QUESTIONS PRESENTED

Where petitioner filed papers in various courts in the Georgia Judicial System and Federal System, to protect and preserve her family's real estate interest in the Andrew Myers Estate lands (240 acres more or less), whether her constitutionally protected Due Process Rights to Notice and Opportunity to be heard and her equal protection rights were violated. These rights are granted to each citizen by the 5th Amendment and 14th Amendment and guaranteed by the very language of the United States Constitution:

1. Where the Supreme Court of Georgia failed to serve the petitioner a copy of Notice/Order dismissing her Petition for Certiorari;

2. Where the Notice/Order dismissing her Petition for Certiorari was requested time and time again from the Supreme Court of Georgia;

3. Where two different judges at the Superior Court of Camden County, Georgia issued separate orders requiring petitioner to file two separate pre-trial reports (February 5, 2007 and February 13, 2007 – the day of petitioner's younger brother's funeral, Rev. Alfred Stevens Sr.);

4. Where two separate judges issued orders forcing me to make the Hobson's choice of attending the trial of her appeal from the probate court's ruling (February 26, 2007 at 9:30 am) or to report for jury duty on the exact same day and at the exact same time;

**QUESTIONS PRESENTED** – Continued

5. Where the judge who presided over the trial of the petitioner's appeal from the probate court's decision to allow the sale of the Andrew Myers Estate lands erred where he scheduled a trial while the case was in federal court;

6. Where the same judge who presided over the trial of her appeal scheduled the trial in ex-parte communications with opposing counsel where no Notice/Opportunity to be heard was given to the petitioner;

7. Where the judge who presided over her appeal from probate court heard ex-parte motions from opposing counsel, again where no Notice/Opportunity to be heard was given to the petitioner;

8. Where the judge who presided over the petitioner's appeal from the probate court issued orders upon ex-parte motions (no Notice/Opportunity to be heard given) and said orders issued were never served to your petitioner;

9. Where the judges who presided over her appeal were continually changed, petitioner never knew which judge would appear on the bench;

**QUESTIONS PRESENTED** – Continued

10. Where the petitioner filed objections to the Petition in probate courts against the sale of the Andrew Myers Estate lands and the probate court judge did not give her notice on the hearing for leave to sell;

11. Where the deed calls for 240 acres more or less; the probate court ordered 119 acres for the Andrew Myers Estate lands to be sold;

12. Where there was never a hearing on petitioner's Motion for Reconsideration of the probate court's order granting leave to sell 119 acres as the Andrew Myers lands;

13. Where the Superior Court Clerk (assistant) refused to file petitioner's motion – request for information from the ex-parte hearing which petitioner did not have notice nor opportunity to be heard.

14. Where the Magistrate of So. District of Georgia held many ex-parte communications; accepting filings where petitioner was not served; and issuing orders which petitioner did not receive copies. This to qualify opposing counsel where he was unqualified to practice before the So. District of GA. I was not given notice. I had no opportunity to be heard while my interest in my land of 240 acres more or less was illegally taken.

15. Where the District Court denied my case without sufficient evidence/cause.

**QUESTIONS PRESENTED** – Continued

16. Where the Court of Appeals dismissed my appeal after my brief and excerpts from the record had been received by the Clerk's Office; had not been filed by the Clerk's Office; and had been returned by the Clerk's Office to the One Day Delivery Service; and not to me. The documents sat at the office of the One Day Delivery Service for weeks until I was eventually contacted.

17. Where days went by and I had no notice nor opportunity to be heard while my interest in my 240 acres more or less was illegally taken.

18. Where finally, I was contacted by the One Day Delivery Service Representative. I had the parcel picked up. (I was in attendance at a Pastor's Conference).

19. Where after I finally resubmitted my brief and excerpts from the record to the Clerk's Office, the papers were finally filed.

20. Where the Court of Appeals for the 11th Circuit dismissed my appeal where opposing counsel did not file any papers.

21. Where after I filed my motion for reconsideration (rehearing) several times, the Clerk's Office would not provide me requested information on the status of my motion for reconsideration.

22. Where my first motion for reconsideration was filed in August 2007; the Court of

**QUESTIONS PRESENTED** – Continued

Appeals issued its order denying my motion on July 12, 2010 (FOUR YEARS AFTER MY FIRST MOTION FOR RECONSIDERATION OF THE DISMISS OF MY APPEAL HAD BEEN FILED). Where I, a female, have struggled in the Courts for 45 years to secure my legacy, my inheritance, to the 240 acres more or less.

TABLE OF CONTENTS

Page

Questions Presented ..... i
Table of Contents ..... vi
Table of Authorities ..... vii
Opinions Below ..... 1
Jurisdiction ..... 1
Constitutional Provisions Involved ..... 2
Statement of the Case ..... 2
Argument ..... 3
Conclusion ..... 4

Appendix

11th Circuit Court of Appeals, order ..... App. 1
11th Circuit Court of Appeals, opinion ..... App. 2
Georgia Supreme Court, order ..... App. 3
Georgia Supreme Court, order ..... App. 4
Georgia Supreme Court, order ..... App. 5
Georgia Court of Appeals, opinion ..... App. 6
Georgia Superior Court, opinion ..... App. 8

# TABLE OF AUTHORITIES

Page

CASE

*Mullane v. Central Hanover Trust Co.*, 339 U.S. 306 (1950) ..... 4

CONSTITUTION AND STATUTE

5th Amendment U.S. Constitution ..... 2, 3

14th Amendment U.S. Constitution ..... 2, 3

15th Amendment U.S. Constitution ..... 2, 3, 4

28 U.S.C. § 1254 ..... 1

28 U.S.C. § 1257 ..... 1

## OPINIONS BELOW

The Supreme Court of Georgia opinion is unpublished. App.5. The Georgia Court of Appeals opinion is unpublished. App.6.

The Georgia opinions are retained because these opinions demonstrate a clear wholesale conspiracy by all levels of courts in Georgia at the state and federal levels to deny due process of females: notice and opportunity to be heard.

Court of Appeals for the 11th Circuit dismissal of my appeal dated August 10, 2007. App.2.

A timely filed Petition for rehearing was denied by the Court of Appeals on July 12, 2010. Copy of order denying rehearing appears at Appendix 1.

## JURISDICTION

The Supreme Court of Georgia denied review on February 9, 2009. The Court has jurisdiction pursuant to 28 U.S.C. § 1257.

The jurisdiction of this Court is invoked under 28 U.S.C. § 1254(1).

## CONSTITUTIONAL PROVISIONS INVOLVED

The Fifth Amendment to the U.S. Constitution provides in important part:

> ". . . . NOR BE DENIED OR DEPRIVED OF LIFE, LIBERTY, OR PROPERTY WITHOUT DUE PROCESS OF LAW. . . ."

The Fourteenth Amendment to the U.S. Constitution provides:

> All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without Due Process of law; nor deny to any person within its jurisdiction the Equal Protection of the laws.

The Fifteenth Amendment to the U.S. Constitution guarantees the right to equal protection.

---

## STATEMENT OF THE CASE

The case is a Petition for Writ of Certiorari to the United States Supreme Court of Georgia. The facts in the case as presented in the Questions Presented 1-22 demonstrate that at every level in the courts of Georgia, wholesale violations of petitioner's United States Constitutional Rights to 14th Amendment Due

Process of the law (Notice and Opportunity to be heard) and 15th Amendment rights to Equal Protection of the law were perpetrated.

Further, the actions against your petitioner in Federal Courts in Georgia demonstrate a conspiracy to violate petitioner's due process rights protected by the 5th Amendment to the U.S. Constitution. I have been denied my right to notice and opportunity to be heard with the illegal taking of my interest in my land of 240 acres more or less.

## ARGUMENT

At every level of the Georgia Courts petitioner was denied Notice and Opportunity to be heard. At every level of the Georgia Courts petitioner was denied Equal Protection of the laws. Petitioner is a black, retired female, an ordained minister of the Gospel.

The 5th Amendment to the U.S. Constitution likewise protects a female person from federal violation of due process of the laws. Facts 14-22 demonstrate a conspiracy by the Federal courts to deprive me of my right to notice and opportunity to be heard. MY DAY IN COURT (FAIR), All the While my interest in my 240 acres more or less were illegally taken.

The 14th Amendment guarantees all Americans the right to Due Process of the laws. The U.S.

Supreme Court has interpreted this Due Process guarantee to mean that where there are property rights to be lost, the notice must be calculated to actually apprise one of the hearing or action. *Mullane v. Hanover Trust Co.*, 339 U.S. 306 (1950). All of the Questions Presented 1-13, demonstrate that your petitioner's Due Process rights were violated.

The 15th Amendment to the U.S. Constitution guarantees all Americans Equal Protection of the laws. The judges at courts in Georgia as demonstrated in Questions Presented 1-13, have violated petitioner's Equal Protection of the laws rights.

With 45 years of struggle in the Courts, the petitioner, a retired black female, had her Due Process rights violated time and time again. Unless the Honorable Supreme Court of the United States grants your petitioner the Writ of Certiorari, the Estate lands will be sold with the numerous violations of Due Process and Equal Protection paving the way.

Petitioner wishes to thank the Justices for reading her statement.

## CONCLUSION

The Writ of Certiorari must be granted.

Respectfully submitted,

REV. MARY JANE STEVENS
Pro Se

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

---

No. 07-12405-AA

---

ANDREW MYERS ESTATE,

Plaintiff-Appellee,

versus

REV. MARY JANE STEVENS,

Defendant-Appellant.

---

Appeal from the United States District Court
for the Southern District of Georgia

---

(Filed Jul. 12, 2010)

Before: CARNES, HULL and MARCUS, Circuit Judges.

BY THE COURT:

Appellant's motion for reconsideration of our August 10, 2007, order dismissing this appeal for lack of jurisdiction, is DENIED.

A True Copy – Attested:
Clerk, U.S. Court of Appeals,
Eleventh Circuit

By: /s/ Benjamin W. Scott
Deputy Clerk
Atlanta, Georgia

---

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

---

No. 07-12405-AA

---

ANDREW MYERS ESTATE,

versus Plaintiff-Appellee,

REV. MARY JANE STEVENS,

Defendant-Appellant.

---

Appeal from the United States District Court for the Southern District of Georgia

---

(Filed Aug. 10, 2007)

Before: BLACK, CARNES and PRYOR, Circuit Judges

BY THE COURT:

This appeal is DISMISSED, *sua sponte*, for lack of jurisdiction. The district court's April 25, 2007, order remanding the action to state court is not reviewable. *See* 28 U.S.C. § 1447(c) & (d); *Thermtron Prods., Inc. v. Hermansdorfer*, 423 U.S. 336, 345-46, 96 S.Ct. 584, 590, 46 L.Ed.2d 542 (1976), *abrogated on other grounds, Quackenbush v. Allstate Ins. Co.*, 517 U.S. 706, 116 S.Ct. 1712, 135 L.Ed.2d 1 (1996); *New v. Sports & Recreation, Inc.*, 114 F.3d 1092, 1095-96 (11th Cir. 1997).

---

Supreme Court of Georgia
Case No. S09C0285

Atlanta, June 1, 2009

The Honorable Supreme Court met pursuant to Adjournment. The following order was passed.

MARY JANE STEVENS V.
ESTATE OF ANDREW MYERS

Upon consideration of the Motion for Reconsideration filed in this case, it is ordered that it be hereby denied.

It is further ordered that the motion for copy or order/judgment is denied.

The Supreme Court of the
State of Georgia

Clerk's Office, Atlanta

---

[SEAL] **Supreme Court of Georgia**
Case No. S09C0285

Atlanta, April 10, 2009

The Honorable Supreme Court met pursuant to adjournment. The following order was passed:

MARY JANE STEVENS
v. ESTATE OF ANDREW MYERS

The Motion of Reconsideration having been filed late, it is hereby dismissed as untimely. Supreme Court Rule 27.

[Seal Omitted]

/s/ [Illegible] Chief,
Deputy Clerk

**SUPREME COURT OF THE STATE OF GEORGIA**

**CLERK'S OFFICE ATLANTA**

Date: February 09, 2009

Mary Jane Stevens
[Home Address Omitted]
St. Marys, GA 31558

Case No. S09C0285

MARY JANE STEVENS v. ESTATE OF ANDREW MYERS

COURT OF APPEALS CASE NO. A08A1613

The Supreme Court today denied the petition for certiorari in this case.

All the Justices concur.

Therese S. Barnes, Clerk

**FIRST DIVISION**
**RUFFIN, P.J.,**
**ANDREWS and BERNES, JJ.**

**NOTICE: Motions for reconsideration must be *physically received* in our clerk's office within ten days of the date of decision to be deemed timely filed.**

**(Court of Appeals Rule 4(b) and Rule 37(b), February 21, 2008)**
**http://wwww.gaappeals.us/rules/**

**September 17, 2008**

**NOT TO BE OFFICIALLY REPORTED**

**In the Court of Appeals of Georgia**

A08A1613.
STEVENS v. ESTATE OF ANDREW MYERS.

ANDREWS, Judge.

In the case, the following circumstances exist and are dispositive of the appeal:

(1) The evidence supports the judgment;

(2) No reversible error of law appears and an opinion would have no precedential value;

(3) The judgment of the court below adequately explains the decision; and

(4) The issues are controlled adversely to the appellant for the reasons and authority given in the appellee's brief.

The judgment of the court below therefore is affirmed in accordance with Court of Appeals Rule 36.

*Judgment affirmed. Ruffin, P. J., and Bernes, J., concur.*

IN THE SUPERIOR COURT OF CAMDEN COUNTY
STATE OF GEORGIA

| | | |
|---|---|---|
| REVEREND MARY JANE STEVENS, Plaintiff, | * | CIVIL ACTION |
| v. | * | FILE NO. |
| THE ESTATE OF ANDREW MYERS, Defendant. | * | 2006-SU-CV-206-TP |

**DISMISSAL**

The above and foregoing matter having regularly appeared before me on February 6, 2008 for a pre-trial conference after notice to all parties and, after the matter having been sounded at 9:30 a.m. and 10:40 a.m., Plaintiff failed to respond to or appear, it is hereby ORDERED, that Plaintiff's appeal from Judge Martin O. Gillette's Order to sell the property of the Estate dated December 5, 2005 is hereby dismissed.

This 15 day of February, 2008.

/s/ Tom Pope
Judge Thomas Pope,
Senior Judge
Superior Court of
Camden County

Order Prepared By:

/s/ _____
P. ANDREW PATTERSON
Georgia Bar No. 566600